

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 3.0 (Chicago)
CIVIL DOCKET FOR CASE #: 1:05-cv-02370

New Century Mortgage Corporation v. Great Northern Insurance
Company et al
Assigned to: Honorable David H. Coar
Demand: \$999,000
Case in other court: Circuit Court of Cook County,
05CH5371
Cause: 28:1332 Diversity–Insurance Contract

Date Filed: 04/21/2005
Date Terminated: 09/24/2007
Jury Demand: None
Nature of Suit: 110 Contract: Insurance
Jurisdiction: Diversity

Plaintiff

New Century Mortgage Corporation
a California corporation

represented by **Eric R Little**
Gauntlett & Associates
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V.

Defendant

Great Northern Insurance Company
a Minnesota corporation

represented by **Daniel J. Cunningham**
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22nd Floor
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Defendant**Federal Insurance Company***an Indiana corporation*represented by **Daniel J. Cunningham**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kathy K Karaboyas

(See above for address)

ATTORNEY TO BE NOTICED

Defendant**Paul Bernstein***an individual*

Date Filed	#	Docket Text
04/21/2005	<u>1</u>	NOTICE of Removal from Circuit Court of Cook County, case number (05CH05371) filed by Great Northern Insurance Company, Federal Insurance Company. (Attachments: # <u>1</u> # <u>2</u>)(jmm,) (Entered: 04/26/2005)
04/21/2005	<u>2</u>	CIVIL Cover Sheet. (jmm,) (Entered: 04/26/2005)
04/21/2005	<u>3</u>	ATTORNEY Appearance for Defendants Great Northern Insurance Company, Federal Insurance Company by Daniel J. Cunningham, Kathy K Karaboyas. (jmm,) (Entered: 04/26/2005)
04/21/2005	<u>5</u>	LOCAL RULE 81.2 STATEMENT by Great Northern Insurance Company, Federal Insurance Company of jurisdictional statement. (jmm,) (Entered: 04/26/2005)
04/26/2005	<u>75</u>	ANSWER AND AFFIRMATIVE DEFENSES to plaintiff's Complaint for declaratory judgment, breach of contract and other relief by Great Northern Insurance Company, Federal Insurance Company ; Notice(jmm,) . Modified on 11/29/2006 (las,). (Entered: 04/29/2005)
06/08/2005	<u>6</u>	MINUTE entry before Judge David H. Coar : Status hearing set for 6/30/2005 at 09:00 AM. Mailed notice (pm,) (Entered: 06/08/2005)
06/24/2005	<u>7</u>	NOTICE of Voluntary Dismissal by Plaintiff New Century Mortgage Corporation of defendant Paul Bernstein pursuant to FRCP Rule 41(a)(1)(i). (jmm,) (Entered: 06/30/2005)

06/24/2005	<u>8</u>	ATTORNEY Appearance for Plaintiff New Century Mortgage Corporation by Bart Thomas Murphy. (jmm,) (Entered: 06/30/2005)
06/28/2005	<u>10</u>	ATTORNEY Appearance for Plaintiff New Century Mortgage Corporation by David A. Gauntlett, Eric R Little. (gcy,) (Entered: 07/01/2005)
06/29/2005	<u>9</u>	MINUTE entry before Judge David H. Coar : Pursuant to the Notice of Voluntary Dismissal filed on 6/24/2005, defendant Paul Bernstein is hereby dismissed as a party defendant pursuant to Rule 41(a)(1)(i). Mailed notice (ntf,) (Entered: 06/30/2005)
06/30/2005	<u>11</u>	MINUTE entry before Judge David H. Coar : Status hearing held on 6/30/2005. Discovery ordered closed by 8/31/2005. Dispositive Motions due by 9/29/2005. Mailed notice (pm,) (Entered: 07/07/2005)
08/18/2005	<u>12</u>	ATTORNEY Appearance for Plaintiff New Century Mortgage Corporation by David A. Gauntlett, Eric R Little. (jmm,) (Entered: 08/22/2005)
09/29/2005	<u>13</u>	MOTION by Plaintiff New Century Mortgage Corporation for summary judgment (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>14</u>	Memo in Support of New Century's Motion for SJ by New Century Mortgage Corporation (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>15</u>	New Century's LR 56.1(a)(3) Statement of Undisputed Facts by New Century Mortgage Corporation (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>16</u>	APPENDIX by New Century Mortgage Corporation <i>Exhibits to Memo in Support of Motion for SJ</i> (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u>)(Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>17</u>	APPENDIX appendix <u>16</u> by New Century Mortgage Corporation <i>Exhibit L to Appendix</i> (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>18</u>	AFFIDAVIT of James A. Lowe by New Century Mortgage Corporation regarding other <u>14</u> (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>19</u>	AFFIDAVIT of Monika McCarthy by New Century Mortgage Corporation regarding other <u>14</u> (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>20</u>	NOTICE of Motion by Bart Thomas Murphy for presentment of motion for summary judgment <u>13</u> before Honorable David H. Coar on 10/5/2005 at 09:00 AM. (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>21</u>	NOTICE by New Century Mortgage Corporation of <i>Filing of Motion for SJ, Memo in Support of Motion for SJ, LR 56.1 Statement, Affidavit of James Lowe, Affidavit of Monika McCarthy & Notice of Motion for SJ</i> (Murphy, Bart) (Entered: 09/29/2005)
09/29/2005	<u>22</u>	AFFIDAVIT of Daniel J. Cunningham in support of defendants Great Northern Insurance Company and Federal Insurance Company's motion for summary judgment. (jmm,) (Entered: 09/30/2005)
09/29/2005	<u>24</u>	MOTION by Defendants for summary judgment. (jmm,) (Entered: 10/03/2005)
09/29/2005	<u>25</u>	MEMORANDUM OF LAW by defendants Great Northern's and Federal's in Support of motion for summary judgment <u>24</u> . (jmm,) (Entered: 10/03/2005)
09/29/2005	<u>26</u>	RULE 56.1(a)(3) STATEMENT by Great Northern Insurance Company and Federal Insurance Company of undisputed material facts in support of their motion for summary judgment. (jmm,) (Entered: 10/03/2005)

09/30/2005	<u>23</u>	NOTICE of Motion by defendants for presentment of MOTION by Plaintiff New Century Mortgage Corporation for summary judgment <u>13</u> before Honorable David H. Coar on 10/5/2005 at 09:00 AM. (gma,) (Entered: 09/30/2005)
10/05/2005	<u>27</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 10/5/2005 regarding motion for summary judgment <u>13</u> , motion for summary judgment <u>24</u> . Set deadlines as to the Cross motions for summary judgment <u>13</u> & <u>24</u> : Responses due by 10/27/2005; Replies due by 11/10/2005. Plaintiff's MOTION for summary judgment <u>13</u> and Defendants' MOTION for summary judgment <u>24</u> are taken under advisement, ruling to issue by mail. Mailed or e-mailed notice (pm,) (Entered: 10/05/2005)
10/27/2005	<u>28</u>	MEMORANDUM by New Century Mortgage Corporation in Opposition to <i>Chubb's Motion for Summary Judgment</i> (Gauntlett, David) (Entered: 10/27/2005)
10/27/2005	<u>29</u>	STATEMENT <i>In Response to Great Northern Insurance Company's Separate Statement of Undisputed Material Facts (Local Rule 56.1(b)(3))</i> (Gauntlett, David) (Entered: 10/27/2005)
10/27/2005	<u>30</u>	OBJECTIONS <i>to the Affidavit of Daniel J. Cunningham</i> (Gauntlett, David) (Entered: 10/27/2005)
10/27/2005	<u>31</u>	AFFIDAVIT by Plaintiff New Century Mortgage Corporation in Opposition to MOTION by Defendants Paul Bernstein, Great Northern Insurance Company, Federal Insurance Company for summary judgment <u>24</u> <i>Declaration of Eric R. Little In Support of Plaintiff's Opposition to Chubb's Motion for Summary Judgment</i> (Gauntlett, David) (Entered: 10/27/2005)
10/27/2005	<u>32</u>	RESPONSE by Defendant Great Northern Insurance Company <i>to Plaintiff's Statement of Undisputed Facts (L.R. 56.1(b)(3)(A))</i> (Attachments: # <u>1</u> # <u>2</u>)(Karaboyas, Kathy) (Entered: 10/27/2005)
10/27/2005	<u>33</u>	MEMORANDUM by Great Northern Insurance Company, Federal Insurance Company in Opposition to <i>Plaintiff's Motion For Summary Judgment</i> (Karaboyas, Kathy) (Entered: 10/27/2005)
10/27/2005	<u>34</u>	MOTION by Defendants Great Northern Insurance Company, Federal Insurance Company to strike <i>Paragraphs 6 and 10 of the Affidavit of Monica McCarthy</i> (Attachments: # <u>1</u> # <u>2</u>)(Karaboyas, Kathy) (Entered: 10/27/2005)
10/27/2005	<u>35</u>	NOTICE of Motion by Kathy K Karaboyas for presentment of motion to strike <u>34</u> before Honorable David H. Coar on 11/2/2005 at 09:00 AM. (Karaboyas, Kathy) (Entered: 10/27/2005)
11/02/2005	<u>41</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 11/2/2005 regarding motion to strike <u>34</u> . Motion to strike <u>34</u> is taken under advisement – ruling to issue with summary judgment motion. (pm,) (Entered: 11/29/2005)
11/10/2005	<u>36</u>	REPLY by Plaintiff New Century Mortgage Corporation to memorandum in opposition to motion <u>33</u> <i>New Century's Reply In Support of Its Motion for Summary Judgment</i> (Little, Eric) (Entered: 11/10/2005)
11/10/2005	<u>37</u>	REPLY by Defendants Great Northern Insurance Company, Federal Insurance Company <i>Reply in Further Support of its Motion for Summary Judgment</i> (Karaboyas, Kathy) (Entered: 11/10/2005)
11/10/2005	<u>38</u>	CERTIFICATE of Service <i>Reply in Further Support of Defendants' Motion for Summary Judgment</i> by Kathy K Karaboyas on behalf of Great Northern Insurance Company, Federal Insurance Company (Karaboyas, Kathy) (Entered: 11/10/2005)

11/10/2005	<u>39</u>	APPENDIX reply <u>37</u> by Great Northern Insurance Company, Federal Insurance Company <i>Appendix of Unpublished Authorities Cited in Reply Memorandum</i> (Karaboyas, Kathy) (Entered: 11/10/2005)
11/10/2005	<u>40</u>	CERTIFICATE of Service by Defendants Great Northern Insurance Company, Federal Insurance Company <i>Certificate of Service of Appendix of Unpublished Authorities Cited in Reply Memorandum</i> (Karaboyas, Kathy) (Entered: 11/10/2005)
11/29/2005	<u>42</u>	MOTION by Defendants Great Northern Insurance Company, Federal Insurance Company to supplement <i>Motion for Leave to Submit Supplemental Authority</i> (Karaboyas, Kathy) (Duplicate filing of entry number 43) Modified on 11/30/2005 (gma,). (Entered: 11/29/2005)
11/29/2005	<u>43</u>	MOTION by Defendants Great Northern Insurance Company, Federal Insurance Company to supplement <i>Motion for Leave to Submit Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A)(Karaboyas, Kathy) (Entered: 11/29/2005)
11/29/2005	<u>44</u>	NOTICE of Motion by Kathy K Karaboyas for presentment of motion to supplement <u>43</u> before Honorable David H. Coar on 12/8/2005 at 09:00 AM. (Karaboyas, Kathy) (Entered: 11/29/2005)
11/29/2005	<u>45</u>	CERTIFICATE of Service by Defendants Great Northern Insurance Company, Federal Insurance Company regarding notice of motion <u>44</u> (Karaboyas, Kathy) (Entered: 11/29/2005)
11/30/2005	<u>46</u>	NOTICE of Correction regarding MOTION by Defendants Great Northern Insurance Company, Federal Insurance Company to supplement <i>Motion for Leave to Submit Supplemental Authority</i> <u>42</u> (Duplicate filing of entry number 43) (gma,) (Entered: 11/30/2005)
12/05/2005	<u>47</u>	RESPONSE by New Century Mortgage Corporation in Opposition to MOTION by Defendants Great Northern Insurance Company, Federal Insurance Company to supplement <i>Motion for Leave to Submit Supplemental Authority</i> <u>43</u> (Murphy, Bart) (Entered: 12/05/2005)
12/05/2005	<u>48</u>	NOTICE by New Century Mortgage Corporation re response in opposition to motion <u>47</u> (Murphy, Bart) (Entered: 12/05/2005)
12/08/2005	<u>54</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 12/8/2005 regarding motion to supplement <u>43</u> . Defebdabts; Motion for leave to provide supplemental authority <u>43</u> is granted. (pm,) (Entered: 12/29/2005)
12/12/2005	<u>49</u>	MOTION by Plaintiff New Century Mortgage Corporation for leave to file <i>supplemental authority in opposition to Defendants' SJ Moiton and in support of its SJ Motion</i> (Murphy, Bart) (Entered: 12/12/2005)
12/14/2005	<u>50</u>	NOTICE of Motion by Bart Thomas Murphy for presentment of motion for leave to file <u>49</u> (Murphy, Bart) (No Hearing Date Entered) Modified on 12/15/2005 (gma,). (Entered: 12/14/2005)
12/15/2005	<u>51</u>	NOTICE of Correction regarding notice of motion <u>50</u> (No Hearing Date Entered) (gma,) (Entered: 12/15/2005)
12/15/2005	<u>52</u>	NOTICE of Motion by Bart Thomas Murphy for presentment of motion for leave to file <u>49</u> before Honorable David H. Coar on 12/19/2005 at 09:00 AM. (Murphy, Bart) (Entered: 12/15/2005)
12/16/2005	<u>53</u>	

		RESPONSE To Plaintiff's Motion to File Supplemental Authority (Karaboyas, Kathy) (Entered: 12/16/2005)
12/19/2005	<u>55</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 12/19/2005 regarding motion for leave to file <u>49</u> Motion for leave to file <u>49</u> supplemental authority is granted, plaintiff is given leave to cite the 11th Circuit's decision in Hooter's of Augusta, Inc as supplemental authority in oppositoin to Defendnat's Motion for Summary Judgment and in support of its Motion for Summary Judgment. (pm,) (Entered: 01/20/2006)
03/09/2006	<u>56</u>	MOTION by Plaintiff New Century Mortgage Corporation to supplement <i>Motion for SJ – Addtl Authority</i> (Murphy, Bart) (Entered: 03/09/2006)
03/09/2006	<u>57</u>	NOTICE of Motion by Bart Thomas Murphy for presentment of motion to supplement <u>56</u> before Honorable David H. Coar on 3/15/2006 at 09:00 AM. (Murphy, Bart) (Entered: 03/09/2006)
03/13/2006	<u>58</u>	RESPONSE by Great Northern Insurance Company, Federal Insurance Company to MOTION by Plaintiff New Century Mortgage Corporation to supplement <i>Motion for SJ – Addtl Authority</i> <u>56</u> (Attachments: # <u>1</u> Certificate of Service)(Karaboyas, Kathy) (Entered: 03/13/2006)
03/15/2006	<u>59</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 3/15/2006 regarding motion to supplement <u>56</u> . Plaintiff's Motion for leave to file supplemental authority in opposition to Defendants' Motion for Summary Judgment <u>56</u> is granted as stated on the record. (pm,) (Entered: 03/15/2006)
03/31/2006	<u>60</u>	MOTION by Plaintiff New Century Mortgage Corporation to supplement <i>authority in support of its motion for SJ and in opposition to Defendants motion for SJ</i> (Murphy, Bart) (Entered: 03/31/2006)
03/31/2006	<u>61</u>	NOTICE of Motion by Bart Thomas Murphy for presentment of motion to supplement <u>60</u> before Honorable David H. Coar on 4/6/2006 at 09:00 AM. (Murphy, Bart) (Entered: 03/31/2006)
04/06/2006	<u>62</u>	MINUTE entry before Judge David H. Coar :Motion hearing held on 4/6/2006 regarding motion to supplement <u>60</u> . Plaintiff's Motion for leave to file supplemental authority in opposition to defendants' Motion for Summary Judgment and in spport of its Motion for Summary Judgment <u>60</u> is granted. (pm,) (Entered: 04/10/2006)
07/25/2006	<u>63</u>	MINUTE entry before Judge David H. Coar : For the reasons stated on the attached Memorandum Opinion and Order, plaintiff New Century Mortgage Corp.'s motion for summary judgment <u>13</u> and defendants Great Northern Insurance Co. &Federal Insurance Co.'s motion for summary judgment <u>24</u> are denied. Defendants Great Northern Insurance Co. &Federal Insurance Co's motion to s strike paragraphs 6 and 10 of the Affidavit of Monica [sic] McCarthy <u>34</u> is denied. Mailed notice (air,) (Entered: 07/25/2006)
07/25/2006	<u>64</u>	MEMORANDUM Opinion and Order Signed by Judge David H. Coar on 7/25/2006.Mailed notice(air,) (Entered: 07/25/2006)
08/01/2006	<u>65</u>	MOTION by Defendants Great Northern Insurance Company, Federal Insurance Company for reconsideration (Cunningham, Daniel) (Entered: 08/01/2006)
08/01/2006	<u>66</u>	NOTICE of Motion by Daniel J. Cunningham for presentment of before Honorable David H. Coar on 8/8/2006 at 09:00 AM. (Cunningham, Daniel) (Entered: 08/01/2006)
08/08/2006	<u>67</u>	MINUTE entry before Judge David H. Coar : Motion hearing held on 8/8/2006 regarding motion for reconsideration <u>65</u> . Motion for reconsideration <u>65</u> is entered and continued

		8/29/2006 at 9:00 a.m. Motion Hearing set for 8/29/2006 at 09:00 AM. Mailed notice (pm,) (Entered: 08/18/2006)
08/22/2006	<u>68</u>	MEMORANDUM by New Century Mortgage Corporation in Opposition to motion for reconsideration <u>65</u> (Murphy, Bart) (Entered: 08/22/2006)
08/24/2006	<u>69</u>	REPLY by Defendants Great Northern Insurance Company, Federal Insurance Company to motion for reconsideration <u>65</u> <i>Reply in Further Support for Their Motion for Reconsideration</i> (Cunningham, Daniel) (Entered: 08/24/2006)
08/24/2006	<u>70</u>	CERTIFICATE of Service by Defendants Great Northern Insurance Company, Federal Insurance Company regarding reply <u>69</u> (Cunningham, Daniel) (Entered: 08/24/2006)
08/29/2006	<u>71</u>	MINUTE entry before Judge David H. Coar :Motion hearing held on 8/29/2006 regarding motion for reconsideration <u>65</u> . Motion for reconsideration <u>65</u> is continued to 9/13/2006 at 9:00. Motion Hearing set for 9/13/2006 at 09:00 AM. Mailed notice (pm,) (Entered: 08/30/2006)
09/07/2006	<u>72</u>	MOTION by Plaintiff New Century Mortgage Corporation to stay <i>proceedings pending the IL S Ct's decision in Valley Forge v Swiderski</i> (Murphy, Bart) (Entered: 09/07/2006)
09/07/2006	<u>73</u>	NOTICE of Motion by Bart Thomas Murphy for presentment of motion to stay <u>72</u> before Honorable David H. Coar on 9/13/2006 at 09:00 AM. (Murphy, Bart) (Entered: 09/07/2006)
09/13/2006	<u>74</u>	MINUTE entry before Judge David H. Coar :, Motion hearing held on 9/13/2006 regarding motion for reconsideration <u>65</u> , motion to stay <u>72</u> . Motion for reconsideration <u>65</u> is denied without prejudice. MOTION by Plaintiff New Century Mortgage Corporation to stay proceedings pending the IL S Ct's decision in Valley Forge v Swiderski <u>72</u> is granted. mailed notice (pm,) (Entered: 09/15/2006)
09/12/2007	<u>76</u>	MINUTE entry before Judge David H. Coar :Status hearing set for 9/24/2007 at 09:00 AM.Mailed notice (pm,) (Entered: 09/12/2007)
09/24/2007	<u>77</u>	MINUTE entry before Judge David H. Coar : Status hearing held on 9/24/2007. The Court was advised that the plaintiff filed a Chapter 11 Bankruptcy Proceeding in Delaware. This action is tranferred to the District Court in Delaware, and then to be referred to the Bankruptcy Court in Delaware. Civil case terminated. Mailed notice (rbf,) (Entered: 09/26/2007)
10/11/2007	<u>78</u>	TRANSFERRED to the District Court in Delaware the original electronic file, certified copy of transfer order, and docket sheet via certified mail number 7004 2510 0001 9676 1366. (rbf,) (Entered: 10/11/2007)